

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF  
AMERICA,

Plaintiff,

vs.

DONNY LYNN FERGUSON,

Defendant.

Case No. CR-18-56-GF-BMM-JTJ

FINDINGS RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. §841(a)(1) and one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. §924(c)(1)(A)(i), as set forth in the Indictment. Defendant further agrees to abandon all right, title and interest in the property described in the Forfeiture Allegation contained in the Indictment. In exchange for Defendant's plea, the United States has agreed not to file an information under 21 U.S.C. §§841(a)(1) and 851 subjecting the defendant to an enhanced statutory penalty on the basis of defendant's prior conviction for a felony drug offense.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal counts charged against her, and an informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charges against her and the consequences of pleading guilty to the charges;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;


4. That the Defendant fully understands her constitutional rights, and the extent to which she is waiving those rights by pleading guilty to the criminal counts charged against her, and admitting to the allegation of forfeiture;

5. That both her plea of guilty to the criminal counts charged against her and her admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal counts charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are

true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charges set forth in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant. **This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.**

DATED this 25th day of September, 2018.



John Johnston  
United States Magistrate Judge